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New York, Sanday, February 5, 1854.

THE NEW YORK WEEKLY HERALD. The U. E. mail steamship Georgie, Ceptain J M'Rinstrey, will leave this port to-morrow afternoon, ot two o'clock, for Aspin sall.

The mails for California and other parts of the Pacific

The New York WESKLY HERAID, California edition, one mining the latest intelligence from all parts of the world, will be published at ton o'clock to-morrow morning.

Single copies sixpence. Agents will please send to their orders as early as possible.

By the arrival of the steamship Arabia, at Hall hax, we have received a synopsis of one week's later intelligence from Europe, which contains many fea bures of great interest. Having commented upon the war question in another article, we will only remark that at the date of the sailing of the Arabia no tice of a formal declaration of war by Russia against England and France was said to be hourly antici pated, the Czar having been officially informed of the entrance of the allied fleet into the Black Sea, with the intention of protecting the Ottoman territory from the aggressions of the Russian squadron. The Sai tan, by consent of the four Powers, has made some important modifications in the note proposing a ces sation of hostilities, as will be seen by the details of the news. The battle of Citale, which lasted five days, turns out to have been of a much more san guinary character than was anticipated. The Rusians acknowledge a loss of four thousand killed.

The general news from Europe, though quite in beresting, is not of great importance. The approach ng meeting of Parliament and the political tenden cies of Prince Albert, were occupying the attention of the English politicians. Several lives were lately lost by the wreck of the ship John O'Gaunt, off Holyhead. In France attention is being directed to a financial scheme to obviate the necessity of a large loan by the government. Unusual activity prevalled in the French navy yards, and stores for forty thou sand troops were in readiness for shipment at Toulon

The commercial advices brought by the Arabia are of considerable importance to dealers in this country. Consols had greatly fluctuated, and American securities were in demand during the week ending on the 21st ult. Breadstuffs fell off in the early part of the week, but at the close there was a feeling and prices improved. Cotton had slightly declined, but provisions were firmer and rather higher. This news had the effect of stiffening the prices of flour in our market yesterday, though no sales transpired based upon the advices Holders of common brands of State flour demanded \$9, while there were no buyers above \$8.87. There were no sales of grain or cotton to indicate the effect of the news. Indeed, as usual, there was a disposi tion to await the result of the steamer's letters, or the arrival of the Pacific, with still later intelligence, before operating to any material extent.

lebraska-Kansas question continues the chief topic of discussion, not only in the national and various State capitals, but in all the cities, towns and villages of the country. While the friends of the Union, trusting that the good schoe of their representatives at Washington will convince them of the propriety of supporting and carrying out the cardinal principles of the constitution, content themselves with spontaneously assembling and giving expression to their approbation of Judge Donelas's bill, its opponents are busily engaged in circulating petitions and passing resolutions praying, urging, entreating and instructing Congressmen to against it. They have at last openly promulgated the fact that they are opposed to permitting the to govern themselves. They are hostile to a mea sure that will leave the majority free to make and es-tablish laws, both in accordance with the national constitution and their own wishes. By way of illustrating the strenuous exertions put forth by the free seilers to defeat the bill now pending in Congress, 13 is only necessary to direct attention to the large number of remonstrances that have already been received -among them those presented in the Uni ted States Senate vesterday from New York, Massa chusetis and Pennsylvania Senator Dixon, of Kentucky, made an elaborate speech in support of the Nebraska bill, as will be seen by the comprehensive synopsis furnished under the proper head. His remarks should be read by all classes. The Senate afterwards adjourned till Monday, after which, it is supposed, the measure will soon be disposed of

Onite an interesting discussion took place in our State Senate yesterday, between the silver grey and free soil whigs, on the resolutions of the latter, re monstrating against the adoption of the Nebraska measure by Congress. The silver grevs, it appears, dislike the time of the resolutions, and have, there fore, moved for a new set. They agree, however, a to the main point at issue-they both oppose the contemplated supersession of the Missouri compromise. See the sketch of the debate furnished by

our special correspondent. In the course of the day a petition was presented from Brooklyn, protesting against the enactment of say bill to prevent the encroschments on our harbor. Senator Whitney seems to have aroused the indicate nation of a few venders of lager bier. He stated the he had received a telegraphic despatch, asserting the the Germans threaten to mob him; nevertheless, h Is resolved to pursue the even tenor of his way despite the hostility of a few of the frequenters drinking saloons. The Assembly resolutions relative to distributing tickets for the constitutional amend-

ment election, were adopted. Action was had in the Assembly on a large num-

mainly interested, for the outlines of which the reader is referred to the regular report. The resolu, tion providing for a recess from Friday next until the Thursday following was adopted, with the view of giving the members an opportunity of participating in the special election for the attendment of the constitution, in order to secure the completion and enlargement of the canals. The prohibitory llonor bill was not touched upon in either house. Our correspondent, however, gives some interesting items concerning this matter. Among other things, he states that, even should the bill be passed, it is understood it will not receive the sanction of the

Our Washington correspondent writes that serious troubles are believed to exist among the members of the Cabinet, and that there will probably soon be a change in the editorship of the leading organ.

A large and enthusiastic meeting of the Young Men's National Committee was held last evening at Stuyvesant Institute, upon the occasion of receiving the Hon. F. P. Stanton, of Tennessee. The honorable gentlemen in a long and able speech reviewed the course of the administration, and also made special allusion to the Nebraska bill now before the Senate. A full report of this speech is given in another part of to-day's paper.

The whig candidate for Governor, Mr. Crosby, was elected by the Senate of Maine yesterday. He owes his success to the split in the ranks of the democracy. Nine Pillsbury democrats and only seven whige voted for him.

Mong. Bedini took his departure yesterday, in the Atlantic for Liverpool. There was a crowd at Staten Island expecting that he would go on board from the Quarantine station; but they were disappointed. He and his friends were conveyed to the Atlantic by one of the smaller steamers of the port.

We learn from the report of the City Inspector that four hundred and ninety-one persons died lass week, being an increase of forty-nine over the mortality of the previous seven days. There being no epidemic or contagious disease, except smallpox, this increase may be directly ascribed to the recent changes of the weather from comparative mildness to extreme cold. Consumption swept off 58 persons; convulsions 42, only two of whom were adults; in flammations 56; various fevers 29; marasmus 28. two adults; dropsies 35, and smallpox 38. One hundred and sixty-five of the deceased were adults. and three hundred and twenty-six chil Iren.

In addition to another chapter of Reminiscences of Hon. John C. Calhoun, our inside pages to-day eentain a mass of interesting political intelligence, embracing letters from Washington and elsewhere: newspaper opinions of the Nebraska bill, &c., including another letter from "the man who nomi nated General Pierce"-his account of the P. P. G.'s is very comical; also, letters from London and Paris, and a large amount of miscellaneous foreign news; correspondence concernieg the seizure of New Caledonia by the French, and a variety of other entertaining and instructive information, to which we cannot afford space to refer in detail.

The Nebraska Bill - Chances of its Passage in Congress.

The course resolved upon in caucus by the friends of the Nebraska bill of the Senate, Indicates the passage of the measure through that body within a few days. The agitation of the subject is bringing the leading politicians of all parties and factions to the mark-either for or against the repeal of the Missouri line. In the Senate a large majority is ascertained to be in favor of the bill. But there are several Senate candidates for 1856 whose position is somewhat at variance with the prevailing attitude of the senatorial and administration aspirants for the specession.

The first of these exceptions to the general rule is Edward Everett of Massachusetts. The Boston newspapers supposed to be identified with his political interests, have taken ground against the abrogation of the Missouri Compromise; and Mr. Everett himself, it has been announced, will oppose the repeal on the floor of the Senate But if the national whice of the North desire to place Mr. Everett on a good footing in the South, they will advise him to pursue the opposite course; otherwise, where are we to locok for the line of distinction between the principles of the Seward faction and those of the conservative Websterian whigs of the North. A little moral courage on the part of Mr. Everett, and a little patting on the back by some of his friends and advisers, will bring him up to the safe side of

the question. This bill, be it remembered, if passed, cannot will settle it, by taking the jurisdiction over slavery in the territories out of the hands of Congress entirely, and placing such jurisdiction in all the present territories of the United States, and in all the territories which may be hereafter acquired, absolutely in the hands of the people of such territories respectively. The bill simply proposes to sweep away all patchwork compromises on slavery, all of them, including the compromises of 1850, and to rest the issue of slavery or free soil upon the constitutional sovereignty of the people. where t properly belongs. In this view, a little noral courage on the part of Mr. Everett will place him on a good footing for the succession; but still we are fearful that the antislavery sentiment which established the Missouri compromise will operate with Mr. Everett against

its repeal. General Sam Houston occupies a dubious position on this question. He has lately, in a speech delivered at Providence, Rhode Island, expressed himself in opposition to the bill before the Senate, on the ground that it interferes with our engagements to certain Indian tribes located in the territories of Kanzas and Nebraska. But this is not satisfactory. These Indian tribes must be disposed of at some time, and the sooner the better; for the current of white emigration is invading the said territories, and will

spread over them, law or no law. We rather suspect, however, that Gen. Hous. ton's position is the result of a Presidential calculation. As a Southern man be is naturally desirous of making some available political cavital in the North, while all the Northern as pirants for the White House, (excepting Mr. Everett) are more or less enthusiastic in support of the equal rights of the South in all the territories of the federal Union. Mr. Badger, of North Carolina, is supposed to incline the same way as the Senator from Texas, Mr. Crittenden, of Kentucky, and Mr. Bell, and Mr. Jones whig Senators from Tennessee, are also said to lean in the same direction. All this is perfectly consistent with the tactics the Presidential aspirants at the time of the Missouri compromise. Mr. Clay and other Southern candidates, for the sake of Northern capital, were the advocates of some concession to the abolition spirit of the North, while the more ambitious Northern politicians, looking for Southern popularity, were the prime movers in the equivalent to the slave holding interest. It is a remarkable fact, how. ever, that neither Mr. Clay nor any of the Northern leaders in the passage of the Missouri compromise, ever made anything out of that operation. It is equally notorious that all the prime movers, North and South, every man of them, in behalf of the compromise acts of 1850,

who had taken no active part in those measures, one way or the other.

Perhaps we may have a similar game in 1856. That, however, is not the question in hand. We are considering the chances of the passage of the bill. It will evidently pass the Senate, and within a few days, from all appearances, by a large majority. But what will the House do? The President and the Cabinet are understood to occupy the position of godfathers of the bill. The spollsmen. therefore, are expected "hards" and "softs." to come to the rescue. The amendment of Mr Dean of New York, late of the Buffalo platform and an administration confident and leader in the House, has indicated his readiness to fall into line, with the privilege of a dodge. He will go the repeal of the Missouri restriction. provided it shall not be considered as legalizing slavery in the territories. This is beautiful and betrays, we fear, the shuffling proclivities of the administration itself. That amendment of Mr. Dean has a Cabinet odor about it which betrays its origin.

More than this, this amendment foreshadows the danger of treachery from the administration upon this Nebraska bill. We expect a hard fight in the House upon the measure; it may be cut short by the previous question, but still there are symptoms of a desperate opposition to the bill. And we repeat here that the vascillating policy of the Cabinet organ on this question during the last month or two, the free soil materials of the Cabinet, and, above all, the free soil antecedents and associations of General Pierce, are elements in the general estimate suggestive of treachery behind the scenes Read the letters which we publish to-day from Concord and Bangor. They not only fasten upon Gen. Pierce his free soil proclivities in 1848 but they show that the democratic Legislature of New Hampshire was the very first to lead off in urging the Wilmot proviso upon Congress in 1849-only one short year before the passage of the acts of the armistice of 1850. Let the South look to it. Dean's amendment, and the free soil antecedents and associates and favoritism of General Pierce, are indicative of treachery in the final struggle in the House. If the bill is lost in that body, let the responsibility be traced to the right quarter. Dean's amendment

furnishes the cue. We trust the bill will be passed. Let not the friends of the measure be alarmed by the rampant hostility and excitement among the abolitionists and free soilers. This is a good sign and good evidence in support of the scheme, as a measure of permanent pacification. Our neighbors of the Courier call it a "breach of faith." The Missouri compromise, on the other hand, was a breach of faith-of that faith which the constitution reposes in the sovereignty of the people. Let the unconstitutional compact be set aside. But the repeal may be lost in the House. The national whigs, according to the Courier and the Express, and the alleged opinions of the leading whig Senators, are going with the Seward faction. The bill, therefore, will depend upon the administration party in the House. We think, too, that a Cabinet powerful enough to dictate the election of Forney, can surely, if it will, order the repeal of the Missouri line. Let the South see to it that they are not betraved.

Pierce on Patriots and P. tentees.
When the President delivered his late annual message, but little notice was taken by the pub lic of the paragraph relating to patentees It seemed so natural for the chief officer of the republic to make honorable mention of those whose talents and ingenuity advance the progress of the world, that people bardly perceive the lurking recommendation to Congress in favor of special and monopoly legislation. The point of the allusion only came to light when the President's organ at Washington after a good deal of shuffling, undertook plainly and broadly to advocate Mr. Colt's claims to an extension of his monopoly by special act of Congress. It was brought still more clearly into view when a committee of the House of Representatives, disregarding the sound judgment of the Commissioner of Patents, reported in favor of Mr. Colt's application, mainly on the ground that the bulk of Mr. Colt's enormous profits since the grant of his patent have been expended in the construction of an armory in England, for the purpose of supplying the British army with improved weapons. It may appear strange at first that the Congress of the United States should grant a monopoly, or in other words impose a tax on our citizens for the purpose of providing the British soldiers with better fire arms; about as singular as our presenting Santa Anna with fifteen millions of dollars in order to enable him to set up a government in Mexico. But, then, there was the paragraph in the message pointedly and practically explained and enforced by the comments of the President's organ. Then again there was the lobby, with that high-minded and virtuous patriot Colonel Forney, actively bestirring himself for Mr. Colt. So under these various influences, the bill is progressing.

Meanwhile, if patentees are revelling in the present generosity of Congress, we regret to find that patriots, who have suff ced and bled for their country, and whose labor. have earned for her much of her renown and glory, are passed ever in silent indifference. Colt. the patentee. finds aCongressional committee to report in favor ot a bill for his relief, and the perpetuation of his monopoly; he has Congressmen in shoals, and lobby agents in swarms to press the poverty of the millionaire on the liberality of a generous country. The President's message is shown clearly to have reference to his case. The Union is in his favor. And men of unimpeachable character and the highest honor, openly confess their belief in the justice of his cause. On the other hand, Scott, the General, has fought his country's battles for near half a century. His blood stains the sods of Niagara, and the plains of Mexico. Where he has led our armies, victory has followed; and if since our declaration of independence, we have earned any claim to military glory, to him do we owe it. Age has now laid its hand upon the old veteran. His step is no longer as firm, or his cheek as ruddy as it was. Though his strength is unimpaired, and the spirit as manly as it was thirty years ago, time has not spared him; and his years-and may hap the trace of some wound gained in our service-now demand more case and comfort than a salary based on strict principles of frugal military discipline can secure. Under the like circumstances, England and France loved to surround the declining years of their veterans-like Wellington and Soultwith every luxury and practical comfort that a grateful nation could bestow. General Scott's friends ask for a petty two and three thousand dollars a year, and the administration averts its ear, the Union scoffs, and sneers at the request,

-shall we add?-the President is believed to

which advocates special legislation to grant Colt the millionaire a few extra millions of dollars! The reason of the difference is very simple: General Scott forgot to patent his vic

He taxed his intellect, his body, and his blood, on the banks of the Niagara and in the plains of Mexico; but he omitted-the feolish man-to take out a patent for storming the British lines, or to secure the monopoly of his siege at Vera Cruz. So the careless old soldier never made a million of money out of his inventions, and never falled to improve the condition of a foreign army by teaching them what he knew, and supporting his school by a tax on his countrymen at home. So he never procured the insertion of a paragraph covering his case into the President's message; never bargained to wink at Forney's infamy for his services in the lobby; never even bought the Union newspaper: with such carelessness as this, how could this very imprudent old soldier expect to obtain from his country a modest pitance and a proper title? The notion was ab surd. He ought to have known well enough that the rule of Congress was taken, with some slight deviation from the Bible :- "To him that hath, more shall be given," as in the case of Colt: but "from him that bath not, shall be taken away even that which he hath," and we have no doubt that, if it could, the Union would try to diminish or stop altogether Gen-Scott's present salary. Can it be that it speaks for the President?

The News from Europe. The arrival of the Arabia leaves us in the same state of uncertainty as ever as regards the course which the Czar means to pursue in reference to the last note of the Allied Powers. That his decision would be unfavorable to the chances of peace appeared to be the general impression in London and Paris, but his conduct has been marked from the commencement by so much diplomacy that we should not be at all surprised if he were to try and stave off the alternative which is now put to him, by some proposition having for its object further

In the meantime, the Allied Powers having taken the initiative, seem now determined to make up for their inactivity and hesitation by the promptness and energy of their measures. England and France are pushing on their arma. ments with all possible expedition, and the coast defences of the former are undergoing a thorough revision. Whilst they are preparing for the worst, they yet seem desirous to afford the Czar an opportunity for an honorable retreat from the difficulty in which he is placed, for we learn that by their advice further modifications have been made on the last note of the Porte, by which from fifteen to twen ty days are granted for the evacuation of the Principalities after the acceptance of the note This removes at least a condition that could not fail to prove in the last degree offensive to his pride-namely, the evacuation of the Princi-

palities as a preliminary to negotiation. Although present appearances certainly do not appear to hold out much hope of a pacific accommodation, we yet do not altogether despair of their taking a more favorable turn. As we have already shown, it is no more the interest of the Czar than of the other powers, to engage in a contest that must cripple his resources and impede the national and social progress of his empire. It has been said of him that although he loves military display, he in reality dislikes war. He thinks with the Grand Duke Michael, that "it spoils the soldiers and dirties their uniforms." Let us hope that having gratified his vanity by this parade of his strength he will not expose his troops to such disagreeable consequences.

GENERAL PIERCE'S STATE HEADING THE ANTI-SLAVERY COLUMN IN 1848 .- It is an interesting and significant fact that the State of New Hampshire-General Pierce's own State-led off in the movement of the Northern States in favor of applying the Wilmot proviso to the territory acquired from Mexico. This fact is stated in a speech delivered in the United States Senate July 26th, 1848, by the Hon. John A. Dix, of this State.

And we find by the journal of the United States Senate, that on Friday, January 26, 1849. Mr. Atherton presented resolutions passed by the Legislature of the State of New Hampshire, in favor of the enactment of a law forever prohibiting slavery in New Mexico and California, and in all other territories now belong. ing or which may hereafter be acquired by the United States, in which slavery did not exist at the time of acquisition.
On the same day Mr. Atherton presented a

resolution passed by the Legislature of the State of New Hamphire, approving the votes of the Representatives of that State in Congress at that session, on the subject of the slave trade in the district of Columbia, and requesting their concurrence in all constitutional legislation to prevent the traffic in slaves in

said district. Now had General Pierce any influence at home at that time, or was he a nonentity, that his voice was never raised against this Wilmot proviso and anti-slavery action of his own State Legislature ! No; the solution is to be found in the fact that his party, and himself amongst the rest, had become alarmed lest the South could no longer reward their fealty with the spoils of office-always the true test and touchstone of their patriotism-and they were looking towards the anti-slavery support to buoy

them up from sinking. It was during this period that he wrote his famous letter to the free soil committee in this city. He may, in obedience to the apostolic injunction to be all things to all men, at the same time have had now and then a good word for the Cass men. His forte lies in saving "Yes." But his chief influence was exerted in favor of the Van Burens and the Wilmot proviso men. His State, in its legislative reso lutions, was not acting counter to his sentiments; it was echoing them, or rather, it was openly, and boldly, and officially expressing them. It was for the Wilmot proviso; so was General Pierce, and as he and his official supporters profess to have forgotten all about it we shall not refrain from refreshing their dull recollections. They might as well own up, and make a clean breast of it.

DEMOCRATIC REUNION, PERHAPS .- The reso lutions of the hard shells of Stuyvesant Institute, and of the soft shells at Tammany Hall, on the Nebraska question, suggest a reunion of the two factions upon the basis of principles. Perhaps upon this basis they may amalgamate-perhaps not. The spoils must be divided over again, we apprehend, before there can be a democratic reunion upon princi ples. There can be no harmony upon principles without an agreement upon the plunder. We turn over the question to John Van Buren. per of bills, in which the people of this city are | were set aside by both parties in 1852, for mon | be opposed to it | This from a government | Do not principles and the plunder go together?

W. H. SEWARD IN THE FIELD.-The Times discloses the secret of its origin, the object of its establishment and the nltimatum of its policy to be the election of W. H. Seward to the Presidency. The fact is out at last, after every attempt at making a temporary bargain and sale with the present administration has failed. It now foreshadows the nomination of

W. H. Seward, by his partisans, as a candidate tor Governor of New York, preparatory to entering the field for the Presidential chances of 1856. And the movement is to be commenced upon the Nebraska question. Very well. A coal of fire upon the back of a tortoise will infallibly open his shell, and bring out his head, legs, and tail. Douglas is working wonders.

Bedini off at Last.

The Pope's Nuncio left the United States for Europe, yesterday morning. Fearing some disturbance if the embarkation should be

at the wharf of the steamer, Monsignor Bedini, attende by a committee of Catholic clergymen, was received or oard the steamer Atlantic, at Quiton, day Whitehall, at The steaming Ac ive left her wharf at Whitehall, at

dock, where she lay till the steamer Atlantic came by The steamer, when opposite the landing, stopped her sugine, and Bedini was received on board the Active, and

thence conveyed to the Atlantic. As soon as he stepped on the deck of the vessel she fired a gun, the engine was put in motion, and she stood

Giszier, the special deputy of the United States Marshal Mr. Hillyer. The committee attending his Excellency, Bedini, were the Rev. Mr. Cumming, the Rev. Mr. Mc-Guire, and others, whose names we could not obtain As soon as the Nuncio was taken on b and the Atlantic

the steamboat Active proceeded to her dock at Whitehall where she landed at 2 o'clock.

There was no excitement at the wharf of the steamer

Removal of the Dead from the Second Avenue Burying Ground - Indignation Meeting. A meeting of the friends of those buried in the Metho dist church yard corner of Second avenue and Firs street, and opposed to the removal of the dead from those grounds, was held last evening at Hermitage Hall, corner of Houston and Allen streets. The attendance was very large, a great proportion of the meeting being com

posed of women. The meeting being called to order by the Chairman, SMITH HICKS, Esq. :— Mr. EHIRI rose and said that it was well known to all of them that the attempt made to remove the bones of the the word, a religious transaction, while again it was a Mahomedan piece of work on the part of those trustees. He hoped that some means would now be taken to feno

departed from the burying ground was, in one sense of the wore, a religious transaction, while again it was a Mahamedan piece of work on the part of those trustees. He hered that some means would now be taken to feace, the grave yard around with an iron railing, for if they did not do it the trustees would not, he was very sure. He concluded his remarks by requesting somebody more eloquest than him to address the meeting.

All Berr then got up and said that the men endeavored by stealth to remove the ables of his relialations, their relations, and the friends of many thousands now living is the neighborhood. How would those men feel when they saw females coming to them with tears in their eyes, praying them for God's sake to let the bones of their husbands, brokers and children remain in peace, and not to throw them about the yard after hacking them with the mattock? If these trustees obtain possension of this ground, in a few months they will have the one opposite also, and for fithy lurare they will barter our dearest rights way. There hearts are not right in the sight of God, and he would say to them as the apoutle Paul said to Simeon, "Go and repent."

Dr. First then came forward and said that he was informed by their counsel, Mr. Sandford, who was prepared for the argument in the matter of the injunction in the Supreme tourit that morning, that the ease was adjusted in that Court at the request of the other side. Onse quently he was unable to give them any information regarding the prospects of making the present injunction a perpetual ene. Bat judging from the delay of the trustees say the said of the country of the sanctity of the burying ground, he was very certain that with critancy care and very little fuss a perpetual in the same than the same time of the friends of there indeates, the would reque to have any certificates. Handle of the early history of this chair of the same and the s

toes of what our parents, brothers and sisters, and outdren were.

Mr. Stafford, the junior counsel for the friends of the
church, then made some remarks, asjing that he was
confident fit he allegations made by Mr. Hicks could be
substantiated by proofs—and he was auto they could—that
there was no dubt of their success in obtaining a perjetual injunction. At all events, he was of opinion that
the present injunction would last until next December,
which would be some comfort, at least, to those persons
composing the committee who had taken the matter in
charge.

After some few remarks from a few other gentlemen,
the meeting adjourned.

Discharge of Alderman Sturtevant from Custody.

Another writ of habeas corpus was about be sued out yesterday, for the purpose of bringing aid. Sturtevant before the City Judge, but before it was accomplished the Sheriff received a legal opinion from the District Attorney. stating that Mr. Sturtevact's term of imprisonment con menced from the day of his first arrest, the 20th ult. and that, therefore, the time for which he was sentenced

- fifteen days-had expired. The Sherio, upon this authority, discharged the Alder

man from eustody.

The Sheriff, upon this authority, discharged the Alier man from eustedy.

OPINION OF N. B. BLUST, ESQ., DISTRICT ATFORNEY.

In the Matter of the Imprisonment of Occar W. Startecont.—As I understand the facts of the case, Mr. Startecont.—As I understand the facts of the case, Mr. Startecont.—As I understand the facts of the case, Mr. Startecont.—As I understand the facts of the case, Mr. Startecont. directing his imprisonment for fifteen days, for a
certain alleged contempt, and a further imprisonment
until a certain sum of money named in the commitment
should be paid; that upon his arrest he was forthwith
conveyed to the common jail, and actually committed to
close custedy; that upon his arrest he was forthwith
conveyed to the common jail, and actual close custody a
writ of habe as curpus was issued, returnable on the same
day before Hen T. W. Clerke, one of the Justices of the
Sopreme Court; that upon such writ of habeas corpus
kr. Sturievant was taken before any return was made
by the Shenif, the proceedings were adjourned
until the 50th of January last, and Mr. Sturievant mean
while was remanded to the performal custody of Mr. Vulties,
and thus removed from his animal confidence in the common jail; that on the 30th of January return was made
by the Sheniff, argement had, and on the 31th of January
Justice Clerke diacha ged the writ of habeas corpus, and
remanded Mr. Sturievant to the care-gry of the She iff
pursuant to the original was allowed to January Iraday a writ of ceriforari was allowed to January Irather, notwithstanding such wit of ceriforari Hr. Sturievar was taken to price, and is now soluty in close
cestory. These are the facts in the case and understand
them, and a mnow and of the calcular in the sure as relates to
fine prisonment for its noneyment, the Sneiff can
longer detain him in custo by, except so far as relates to
the payment of the amount required on the canditional
imprisonment have expired, whether the Sneiff can
longer detain him the custo by, except so far as relat

inferior tribunal and to prevent further action on the part of such inferior tribunal. Thus, if a judgment has been rendered and no execution issued, the service of the certificary would prevent its issuing; if issued an not executed, the vervice of the certificary would reven its executed. But if executed, as by the arrest of a party under a do so, or simil, or other final process spains the perven, the service of the writ of certificary in manner affects such imprisonment. So in case a committent for contempt, where the party has been actually committed and the imprisonment commerced, no certificary and aspecially a certificary, it review a judgment upon a shabess corpus, refusin a discharge, can operate to stay proceedings. The imprisonment is not by virtue of the order refusing to discharge, but by virtue of the ordering. The imprisonment is not by virtue of the ordering. The imprisonment is not by virtue of the ordering. The imprisonment is not by virtue of the ordering. The imprisonment is not be virtue of the ordering. The imprisonment is not be part of Justice Clarke after its service upon him, has no effect upon the Shariff, who act under a collected process and by authority of an independent tribuosi. Another reason in support of the particular case, was this time and the considered the order of Justice Clarke noted from the puret and most correct motives, and under the full supposition of the correctness of his proseedings is making that order, I should be tag, last man to deay. A personal acquaintance of upwards of twenty years has taugh mas a nawledge of his worth and enabled one to form, just appreciation of his coarroter as a man of hone and perfect uprightness. But it is not the first time the analysis of the process in to confine for afteen day, the busile sharing the write of habbas corpus, I conceive him has no authority by law to make the order transferring the case of a process of imprisonment. The first are the account in the case of a commitment for a commitment for some interest in priso

The Smallpox-What is Reliable Vaccina tion ? The communication from Dr. E. H. Dickson, relative to

vaccination, which we published a few days since, has rought to light some very curious and important facts. The prevalence of this horrible disease, and the danger every man, woman, and child in the community is exposed to, make it the duty of all to adopt every presautionary measure to prevent, if possible, its extension. ticular attention to the annexed article upon vac Scalpel. It will appear in the forthcoming number

Scalpel. It will appear in the forthooming number of that valuable magazine:

HOW SHALL THE PEOPLE KNOW WHEN THEY ARE PROFERLY VACCINATED?

It is but a few weeks since we felt impelled, after the receipt of many personal solicitations, to give our public views of the causes of the unparalleled frequency of smallpox in this city, and what we then believed to be the only rational soliciton of the letter addressed to the Naw York Herald,) we believed what we said to be the chief reason, viz.:—"All the inhabitants of this city, take them one with another being as well protected this year as they were last," the inference seemed plain, that as we always have snough smallpox to keep it going amongst us, there must therefore be an atmospheric precisposition to account for its general prevalence. We are still of that opinion, because we have since met with another case, in addition to the two measurements of the still of the produced a perfect vaccine we slid at that letter, where we produced a perfect vaccine vesicle after vaccinating the arm of a person badly pitted with natural smalipex.

But it seems that our letter has developed the crist-ence of suother cause, and a trait in the character of our brethren, that does not surprise us much, as it regards the majority of them, although we must coafess we have felt a little astonished to know the names of two of them; whom we suppead men of better morals. There was if our article such a description of the true vaccine vesicle, with its three very plain and marked characteristics, as we hoped would coable any person of common sense to distinguished from every other sore; this was published with the best of motives for it would assuredly intrust people to detect our own negligence in vaccination, as we hoped would enable any person of common sense to distinguished from every other sore; this was published with the best of motives for it would assuredly intrust people to detect our own negligence in vaccination, as we hoped would enable any person of common sense to disti

doubts that have been thrown upon the protective power of vaccination.

The simple description of the appearance of the genuine vaccine vestels, given in the artie e we sent to the Heraldy, was this 'viz.—Ou the seventh or eighth day from the insertion of the lymph or matter, as it is absurdly called, there should appear a "brown centre, of an oval shape, surrounded by a little circle of pearl selored dots, or vest-cles, containing the lymph, and outside of this a rose-colored blush, tading away gradually in the skin of the arm." This simple description evidently caused a large number of people to quistion the genuineses of recent vaccinations.

During the week after that publication we were requested to examine four different vesicles, and to prosounce upon their genuineses. We were constrained to say, as we have had occasion to pronounce on most of our own cases, that they were not genuine; the vesicles pre-

sounce upon their genuinecess. We were constrained to say, as we have had occasion to pronounce on most of our own cases, that they were not genuine; the vesicles presenting no other appearance thru an irregular brown spot of a single color, with no pearly curele of dots and no sreolae whatever. Now, we all exjects majority of the persons we vaccinate in acint life not to present this appearance, simply because the original or a later vaccination I as not run out, the system is saturated, and the person safe. The only object in vaccinating is to assertian this, because we can know it in no other way. But these persons had all been told that their vaccinations had taken, and would have relied upon that assurance had it not been for reading our article. We vaccinated them all over agaits, and although three did not take after two trisis, one did, and that only at the third most perfectly. Here, thou, was one unprotected person, and that only accertained at the third trist. How could the physicians have knows the other three to be protected? We, at least, have new two more assurances than they, and we shall require another trial; because we have ro more reason to suppose the three protected than our furth patient, while we only discovers at the third vaccination.

Here, then, is a reason for disapproving of honest pub-

we have so more reason to suppose the three protected than our fourth patient, which we only discovered at the third vaccination.

Here, then, is a reason for disapproving of honest public instruction, and a poverful one for the people's doubting the protective power of vaccination. True knowledge spoils the sport. It is much easier to scratch an arm a little, and when it inflames to say it has taken, tann to vaccinate repeatedly, and to take pains to preserve a supply of fresh lymph.

Now comes another difficulty that will produce worse results yet. We know that some physicians have taken the lymph, and even seab (which will asswer very well when taken from the orisinal vac ination in the infant,) we know that they have this year used that from re-vacinated persons, because virus is carce. Now here is a great evil. The lymph thus taken will either produce no vericle at all, or it will produce it like, and such result in not reliable. The "cow pock?" first discove by Jeaner, originated from small pox, communicated to the ow'd least by the flarers o' if thy milkwalts or mea afflicted with various or small now the vesicle or sore thus resulting, characterized as show described, is the vaccinate vesicle, from succe, a ow, its lymph when inserted into the human being, produces, like the inoculated but or graft of fruit, its like, and nothing else, if it takes in a proper manner; if it produce a sore of any other appearance, such acre is not genum; neither its scab nor the lymph are reliable; it must be takes from the direct or families and or charged by the caw's system; although it

infantile vaccination.

Vaccine is unit is the virus or lymph of smallpox, elaborated or changed by the cow's system; although it differs entirely from the eruption of smallpox, it is unquestionably capable of preventing that disease for a number of years. It receives another element (what, we do not know,) from the cow's system, that makes it protective, although it cannot reproduce the smallpox in the person vaccinated—taxt is to say, it cannot so backwards and produce the appearance of the erre from which it riginated in the human being. The inference and cantions to be drawn from all this are plain. What we call values to be drawn from all this are plain. What we call values to be drawn from all this are plain. it originated in the human being. The inference and cau-tions to be drawn from all this are plain. What we call va-rioled is mild smallpox; it is capable of infecting persons who are liable, with the worsthind of smallpox; they get, however, just as bad a variety as their systems will take; if entire y controtected by the vaccination being all run ont, very bad smallpox; if partially protected, varioled. When we reflect upon the frequency of carelees receina-tion, and the dishonesty and indolence of men, we think there are strong reasons to empose a vast majority of the cases of smallpox and varioloid that attack persons who have been vaccinated is one to those vices of char-acter.

who have been vaccicated is due to those vices or onarac'er.

The fact it, every intelligent, rational being, should
make himself acquainted with a subject so important;
learn to desirry sith the vaccicate vestics at a glance, and
insist upon being repeatedly vaccinated, as long as the
result shown any appearance of the brown course, the
pearly circle of dots, and the rose leaf arecla; or if done;
three times with good lymph, and it do not take at
all, he may rationally conclude the infantis or subsequent vaccination to be still professive.

Why do not intelligent leachers provide themselves
with imph, and teach this knowledge and ask permission
to vaccinate tesis schools: It would be worthy a soble
calling like theirs. We give this article to protect our
own character from aspersor, and the public from medical dishonesty, not to produce business. We want no

with lymph, and team the normal are would be worthy a mobic calling like theirs. We give this criticle to protect our own character from aspersion, and the public from medical dishonesty, not to procure buriness. We wan no person to come to us. There are no better vaccinatory than the gentlement our public dispensaries, and many of our private physicians, but they must be urged to do it, and and well for their trouble. The people have acted in this matter like suspicious and besoited fools. We have have many a pretty lip, but a vast number of uglier ones carled at un, because we have urged re-vaccination, and we will no longer subject ourselves to such suspicious. We need to vaccinate such people gratic but we found business too abundant, and our services not valued; we now charge well for it; twice as much as our brethren, and often thrice, and they can do it as well as we can; but we beg the reader not to forget the appearance of the genulae vesicle.